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Letter dated 9 September 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 5 June 2002 (S/2002/625).

The Counter-Terrorism Committee has received the attached supplementary report from Tunisia submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

[Original: French]

Note verbale dated 30 August 2002 from the Permanent Mission of Tunisia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Tunisia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) and, with reference to his letter of 28 May 2002, has the honour to transmit to him herewith the replies of Tunisia to the questions contained in that letter (see enclosure).

Enclosure

[Original: Arabic]

Republic of Tunisia

Clarifications and information supplementary to the report submitted by Tunisia on measures taken by it in implementation of Security Council resolution 1373 (2001)*

Important observation addressed to the Counter-Terrorism Committee

This report comprises two documents, numbered document I and document II.

- Document I contains the reply to the questions relating to paragraphs 1, 2, 3 and 4 of resolution 1373 (2001), with the exception of subparagraph 2 (b) of the resolution.
- Document II contains information of a confidential nature and is therefore not for publication or for perusal outside the framework of the Counter-Terrorism Committee. It relates to the questions put by the Committee concerning subparagraph 2 (b) of resolution 1373 (2001).

Document I

In response to the letter dated 28 May 2002 from the Security Council Committee on counter-terrorism addressed to Tunisia and containing a number of questions seeking clarification on measures taken by the Tunisian Government to combat terrorism as follow-up to the report submitted pursuant to Security Council resolution 1373 (2001), we present the following clarifications and information on this matter according to the sequence of the questions put by the Committee.

Paragraph 1 of resolution 1373 (2001)

Subparagraphs 1 (a) and (b) of resolution 1373 (2001):

1. *Please report on progress made with regard to the preparation of the Tunisian comprehensive bill relating to the combating of terrorism.*

2. *What are the intentions of the Tunisian Government for incorporating offences relating to the financing of terrorism in that bill?*

1. Progress made with regard to the preparation of the Tunisian comprehensive bill on the combating of terrorism

The comprehensive bill on the combating of terrorism was submitted to the National Assembly, following its consideration by the Cabinet on 9 January 2002, and is being studied by the competent committees of the National Assembly.

* The annexes are on file with the Secretariat and are available for consultation.

2. Intentions of the Tunisian Government for incorporating offences relating to the financing of terrorism in the bill

The Tunisian comprehensive bill on the combating of terrorism criminalizes the acceptance of deposits made under an assumed name and requires that the authorities be provided with any information relating to transactions or dealings possibly connected with terrorist crimes or involving the perpetrators of such crimes. Tunisian law in any case prohibits secret or encoded accounts. The above-mentioned bill as submitted incorporates provisions relating to the combating of the financing of terrorism by criminalizing such financing as acts of complicity.

Subparagraph 1 (c) of resolution 1373 (2001):

1. *Please provide an outline of sections 5, 28, 97 and 100 of the Code of Criminal Procedure dealing with freezing of funds, financial assets and economic resources.*

2. *Are non-resident persons allowed to deposit funds directly from abroad in financial institutions in Tunisia?*

1. Contents of sections 5, 28, 97 and 100 of the Code of Criminal Procedure dealing with freezing of funds, financial assets and economic resources

Section 5 of the Criminal Code, "Penalties", lays down the following:

(a) Principal penalties:

1. Execution;

2. Life imprisonment;

3. Imprisonment for a set term;

4. Community service;

5. A fine;

(b) Complementary penalties:

- Prohibition on residence or deportation;
- Administrative surveillance;
- Confiscation of assets in the cases provided for by law;
- Special confiscation;
- Penal relegation in the cases provided for by law;
- Being barred from the exercise of the following rights and privileges:

(i) Public office or certain professions such as attorney, public official, physician, veterinarian, midwife, director of an educational institution or an employee thereof however designated, notary public, legal guardian or expert or witness before a court except for the purpose of merely giving statements;

(ii) The bearing of arms and the holding of all officially honorific orders;

(iii) The right to vote.

Some of the provisions follow.

Section 28 of the Criminal Code provides:

"Special confiscation shall mean that the State Treasury shall take the proceeds of the crime or the implements that have been or might have been used in the crime.

"In the event of conviction, the judge may order the confiscation of the items used or prepared for use in the commission of the crime and also the objects resulting from the crime regardless of the owner thereof.

"In all cases, items the manufacture, use, possession or sale of which is prohibited, so that ownership thereof constitutes a crime, shall be liable to a confiscation order."

Section 97 of the Code of Criminal Procedure provides:

"The examining magistrate shall seek out any papers and items that may help to reveal the truth and shall confiscate them.

"A list of the confiscated items shall be drawn up in the presence of the suspect or the person in whose possession they were found, where possible, and a report on the confiscation shall be drawn up. The confiscated items shall, as the case may be, be placed in a sealed container or file or labelled with the date of confiscation and the case number. Except for a serious or less serious offences committed in flagrante delicto, police officers shall not have the same right as an investigating magistrate to follow the above procedure, except in the event of imminent danger."

Section 100 of the Criminal Code provides:

"Any person claiming entitlement to items placed in the charge of the judicial authorities may request the return thereof from the examining magistrate and, in the latter's refusal from the indictment division, and both shall rule solely on the basis of the request. Any confiscated item not applied for by the owner thereof within a period of three years of the confiscation order or the handing down of the judgement shall become State property."

2. Are non-resident persons allowed to deposit funds directly from abroad in financial institutions in Tunisia?

Non-resident persons may deposit funds directly from abroad in Tunisian banks through currency transfers.

It should, however, be recalled in this regard, as was explained in Tunisia's report on the implementation of Security Council resolution 1373 (2001), that the accounts that will receive these deposits already comprise all data concerning the holders, whether they be natural persons or artificial persons. This makes it possible to identify such persons and ascertain their nature. The Tunisian Central Bank also monitors the opening and operation of accounts in foreign currency and convertible dinars, and the Tunisian Central Bank must be provided monthly by the authorized agents with a detailed statement of accounts in foreign currency and convertible dinars opened by non-residents.

Subparagraph 1 (d) of resolution 1373 (2001):

Please provide clarifications concerning:

1. *Measures adopted to ensure that terrorist acts are not financed through charitable or religious organizations;*

2. *Measures used with regard to the transfer of funds in Tunisia.*

1. Measures adopted to ensure that terrorist acts are not financed through charitable or religious organizations

Tunisia has endeavoured to regulate this issue from the viewpoint of the establishment of organizations, the monitoring of their activities and the conditions for their dissolution, in a climate of transparency and clarity, and has regulated this activity in a legislative and organizational framework that prevents the exploitation of this field by terrorist parties or elements.

Within this framework, Tunisia has made the formation and the establishment of associations of any kind whatsoever subject to fundamental conditions relating to the general principles of the Code of obligations and contracts and the provisions of Tunisian Act No. 154 of 1959 (7 November 1959) concerning organizations. They are also subject to specific administrative measures without which no organization can be established and regarded as a legal entity, particularly with regard to the area of activity and identification of their founders and members, as well as a precise specification of the source and volume of their resources, the person responsible for their disbursement and the beneficiaries.

Tunisian legislation also laid down the procedure for the establishment of foreign non-governmental organizations within the framework of Basic Law No. 80 of 1993 (26 July 1993) and regulated the modalities of the acquisition of the assets necessary for their activity under the legislation currently in force, the disposal thereof and the acceptance of donations, bequests and subsidies. This law also laid down conditions relating to the residence of their directors and employees and their activities in Tunisia.

The competent security authorities monitor the activities of suspect organizations and associations located abroad, particularly those set up in countries with which Tunisia has counter-terrorism agreements and which exchange with Tunisia various types of data relating to the combating of this phenomenon and data on the sources of the financing of such organizations and associations. The security forces also seek to track their resources and the mode of their disbursement at home and abroad, as well as endeavouring to dry up the sources of their financing.

2. Measures and instruments available to regulate alternative funds transfer arrangements such as the system known as "hawala"

In Tunisia, there are no alternative funds transfer arrangements, since all transfers of funds to or from foreign countries are necessarily effected through the banks or through the National Post Office.

These bodies are the only ones qualified as authorized agents for this purpose under the legal provisions in effect in Tunisia with regard to exchange, namely the Exchange and Foreign Trade Code promulgated by Act No. 18 of 1976 (18 January

1976) and the provisions adopted for the implementation thereof, in particular, Order No. 608 of 1977 (27 July 1977).

The exclusive jurisdiction of the above-mentioned bodies in this area means that persons with manual exchange powers, the legally authorized exchange brokers in Tunisia, cannot intervene in the process of transfer operations, since their function is limited to manual exchange in one direction, namely the purchase of foreign currency against the Tunisian dinar. This function is itself subject to control, since it can be exercised only by persons who have been commissioned by an authorized agent. They act for the account of the authorized agent who commissioned them, are responsible to him and are subject to precise rules, including the requirement that all manual exchange transactions be registered and that validated documents be kept for a period of 20 years.

On the other hand, it should be explained that the banks and the National Post Office are themselves subject, with regard to their intervention in the execution of financial transactions with foreign countries, to precise rules set forth in the legal instruments referred to, rules aimed at the exercise of control over such transactions.

Paragraph 2 of resolution 1373 (2001)

Subparagraph 2 (a) of resolution 1373 (2001):

1. *Please provide an outline of the sections of the Criminal Code that relate to terrorist offences.*

2. *Please outline the measures adopted to prevent recruitment of individuals to carry out terrorist activities.*

3. *Please explain how Tunisia regulates the manufacture, possession and transport of weapons and explosives in its territory.*

1. Provisions of the sections of the Criminal Code relating to terrorist offences

Section 52 bis of the Criminal Code provides:

> "The perpetrator of a crime categorized as terrorist shall be liable to the penalty laid down for the crime itself, and the penalty may not be reduced to less than one half of the full sentence.
>
> "Any crime relating to an individual or collective project aimed at damage to persons or property for the purpose of intimidation or causing alarm shall be categorized as terrorist.
>
> "Acts of incitement to hatred or racist or religious fanaticism shall also be dealt with as terrorist offences, whatever the means used.
>
> "A sentence of five years' administration surveillance shall be mandatory. Sentences cannot run concurrently.
>
> "The provisions of section 134 of this Code shall apply."

The crimes covered in the Criminal Code may be categorized as terrorist if they meet the conditions of section 52 bis of the Code.

Sections relating to external attacks on the security of the State

Section 61 provides:

"Any Tunisian or alien shall be deemed to perpetrate an attack on the external security of the State and shall be liable to the penalties laid down in section 62 of this Code if he:

1. Exposes Tunisia to a declaration of war by reason of hostile acts carried out by him without the consent of the Government;

2. Exposes Tunisians to reprisals by reason of acts committed by him without the consent of the Government;

3. Recruits troops in peacetime in Tunisian territory for the benefit of a foreign Power;

4. Corresponds or establishes relations in wartime with the subjects or agents of an enemy Power;

5. Engages directly or indirectly in trade in wartime with the subjects or agents of an enemy Power in spite of the decreed embargo."

Section 62 provides:

"The perpetrator of an attack on the external security of the State shall be punished by imprisonment for a term of up to 12 years if the offence is committed in wartime and for a period of five years if it is committed in peacetime. An attempt to commit such offence shall also be punishable, and the provisions of section 53 may be applied. In all cases, the complementary penalties set forth in section 5 of this Code, ranging from a minimum of five years to a maximum of 20 years may also be imposed."

Sections relating to internal attacks on the security of the State

Section 72 provides:

"Any person who perpetrates an attack with the intention of changing the form of government or provoking armed attacks among the population or disorder, slaughter or looting in Tunisian territory shall be liable to execution."

Section 74 provides:

"Any person who assembles and arms groups, or leads armed groups, for the purpose of plundering the assets of the State or of individuals or seizing or destroying movable or immovable property shall be liable to execution. This same penalty shall apply to any person who by force or otherwise prevents the police from putting down such attacks."

Section 75 provides:

"Any person, who knowing the purpose or nature of such groups, consents to join them or supplies them without coercion with weapons, shelter or hiding or meeting places shall be liable to 20 years' imprisonment and a fine of 200,000 dinars."

Section 76 provides:

"Any person who sets on fire or destroys with explosive military premises, ammunition depots or other State property shall be liable to execution."

Section 77 provides:

"If an armed or unarmed group carries out an attack on persons or property, each member of such group shall be liable to 10 years' imprisonment."

Section 78 provides:

"If an armed or unarmed group attacks a person's home or workplace or dual use premises, each member of such group shall be liable to three years' imprisonment."

Sections relating to attacks on public authority and criminal complicity

Section 131 provides:

"The formation of any group for any period, with any number of members and on the basis of any agreement reached, for the purpose of preparing or committing an attack against persons or property shall be deemed to constitute a crime against public security."

Section 132 provides:

"Any person involved with a group or participating in an agreement of the kind referred to in section 131 of the Code shall be liable to six years' imprisonment. The penalty shall be up to 10 years' imprisonment in the case of the leaders of such groups and likewise if a child or a number of children under the age of 18 are used in the acts set forth in section 131 of the Code."

Section 133 provides:

"Any person who deliberately prepares a meeting place for members of a criminal group, assists them with money or in benefiting in the proceeds of their criminal actions, or provides them with lodging or a hiding place shall be liable to the penalties laid down in the first paragraph of the preceding section.

"The penalty shall be up to 10 years for the leaders in such complicity."

- **Criminal offences against persons**

– Murder

Section 201 provides:

"Any person who commits premeditated murder by any means whatsoever shall be liable to execution."

Section 205 provides:

"Any person who commits murder shall be liable to life imprisonment, save in the cases specified in the preceding sections."

Section 208 provides:

"Killing resulting from striking and wounding without intent to kill shall be punishable by 20 years' imprisonment, this penalty to be increased to life imprisonment where the striking and wounding has the element of premeditation."

Section 209 provides:

"Persons participating in a struggle involving violence that results in death in the manner set forth in the preceding section shall be liable on the sole grounds of complicity to two years' imprisonment, without prejudice to the imposition of the penalties required to be imposed on the perpetrators of violence."

- **Violence and threats**

Section 218 provides:

"Any person who deliberately inflicts wounds, blows or any other type of violence not specified in the provisions of section 319 shall be liable to two years' imprisonment and a fine of 1,000 dinars.

"If the attacker is a descendant or spouse of the victim, the penalty shall be two years' imprisonment and fine of 2,000 dinars.

"In the event of attempted concealment of the act, the penalty shall be three years' imprisonment with a fine of 3,000 dinars.

"The waiving of rights by the victimized ascendant or spouse shall entail a stay of prosecution, trial or execution of sentence. An attempt to commit such offence shall also be punishable."

Section 219 provides:

"If any of the types of violence specified above results in the loss of a body part or a portion thereof, depravation of the use thereof, disfigurement or permanent damage or disability not exceeding 20 per cent, the offender shall be liable to five years' imprisonment.

"The penalty shall be six years' imprisonment if the degree of damage or disability resulting from the aforementioned assaults exceeds 20 per cent.

"The penalty shall be increased to 10 years if the offender is a descendant of the victim, whatever the degree of the damage and even if charges are dropped."

Section 220 provides:

"Persons who participate in a struggle in the course of which blows or wounds of the kinds mentioned in sections 218 and 219 are inflicted shall be liable to 6 months' imprisonment on the sole grounds of participation, regardless of the penalties laid down in those two sections for those who actually carried out the beatings."

Section 237 provides:

"A person who kidnaps or attempts to kidnap, abducts or removes, or causes the kidnapping, abduction or removal of, a person from his former location by using deceit, violence or threat shall be liable to 10 years' imprisonment.

"The penalty shall be increased to 20 years if the victim of the kidnapping or abduction is a civil servant, a member of the diplomatic or consular corps, a member of the family of such person or a minor under 18 years of age. This penalty shall apply whatever the category of the victim if the kidnapping or diversion is committed for the purpose of ransom or execution of an order or condition.

"The penalty shall be life imprisonment if the kidnapping or abduction is carried out using armed force, disguise, falsified identity or an order falsely represented as emanating from the public authority and likewise if bodily injury or illness results from such acts.

"Such crimes shall be punishable by execution if they involve or result in death."

- **Attacks on property**

Section 304 provides:

"Any person who deliberately causes damage to the movable or immovable property of another, except by means of explosion or fire, shall be liable to three years' imprisonment and a fine of 2,000 dinars.

"If the damage impairs the usefulness of item in question or jeopardizes its existence, the punishment shall be five years' imprisonment and a fine of 3,000 dinars.

"Any attempt to commit such offence shall entail the same penalty."

Section 306 provides:

"The mandatory penalty shall be 20 years' imprisonment if the damage or death occurs through the use of explosive devices, without prejudice to the imposition of the penalties laid down for murder. The perpetrator shall incur a penalty of up to 20 years' imprisonment on the sole grounds of placing an explosive device on the public highway in a populated place with criminal intent."

Section 306 bis provides:

"Any person who seizes and takes over any means of transport (land, sea or air) by threat or violence shall be liable to 10 years' imprisonment.

"The penalty shall be 20 years' imprisonment if such act results in injury or illness and life imprisonment if it results in the death of one or more persons. This is without prejudice to the application of sections 28, 201, 203 and 204 of this Code where necessary."

Article 307 provides:

"The penalty of life imprisonment shall be imposed on any person who directly or otherwise sets fire to buildings, vessels, vehicles, depots, populated workplaces or workplaces equipped for personnel, passenger-carrying railroad or other cars or passenger-carrying vehicles forming part of a convoy, whether or not they belong to the person setting the fire."

Article 308 provides:

"The mandatory penalty shall be 20 years' imprisonment if the premises set on fire were not populated or not intended to be so, and the penalty shall be reduced to 10 years if the site of the fire is the property of the person who set the fire."

- **Public health offences**

Section 310 provides:

"Any person who deliberately places noxious or poisonous substances in drinking water intended for human beings or animals shall be liable to one year's imprisonment, without prejudice to the penalties laid down in sections 215 and 219 of this Code, where necessary, and the operation of the Order issued on 10 Rajab A.H. 1314/15 December A.D. 1896. The penalty shall be imposed in the event of an attempt to commit the offence."

2. Measures adopted to prevent recruitment of individuals to carry out terrorist activities

The acts of recruiting and training persons to carry out terrorist activities are criminalized as principal offences and not as acts of complicity.

In this context, our country strives to isolate extremist groups and to prevent their swaying certain elements under the cover of religion and with the incentive of humanitarian values by adopting a multifaceted approach — economic, social, educational and other — with the aim of eliminating the causes leading to the emergence and growth of the scourge of terrorism, such as marginalization, exclusion, extremism and poverty, and in order to pull the rug from under the feet of terrorist groups and prevent them exploiting the social circumstances of underprivileged and unemployed youth segments and beguiling and polarizing them.

3. How Tunisia regulates the manufacture, possession and transport of weapons and explosives in its territory

The question of weapons is regulated by Act No. 33 of 1969 (12 June 1969) concerning the classification, acquisition, marketing, repair and carrying of weapons. Weapons and ammunition are divided into the following categories:

Category 1. Firearms and their ammunition designed for military operations by land, sea or air;

Category 2. Defensive weapons and their ammunition, as well as weapons used for marksmanship and shows and weapons normally used for decoration and their ammunition;

Category 3. Hunting weapons and their ammunition;

Category 4. Bladed weapons;

Category 5. Antique weapons and ammunition and air guns or 6-millimetre or 9-millimetre guns, which are regarded as light weapons.

There is an absolute ban on the introduction into the country of category 1 weapons and their ammunition, whether assembled or dismantled (except in the case of the armed forces and the internal security forces), and on no account may such weapons be given to private persons or deposited with them.

The above-mentioned Act also deals with the question of possession and transfer of the other categories of weapons, which must be covered by personal licences obtained in advance from the offices of the Ministry of the Interior. The licences must contain all information about the person concerned, as well as the technical specifications of the weapon licensed to him.

It should be mentioned that authorization to own weapons is denied to persons under tutelage, minors under the age of 20 and any person convicted of an offence under public law (vagrancy, beggary, theft, fraud, breach of trust, smuggling, violent assault against persons, insurrection, concealment of criminals, living off the proceeds of prostitution, inciting young people to depravity and attacks counter to decency). This ban is permanent in the case of anyone convicted of a serious offence and expires five years after the date of the completion of service of sentence in the case of persons convicted of a less serious offence (except in the case of non-intentional offences). No person who has received treatment in a psychiatric hospital may acquire or possess a weapon or ammunition unless he produces a certificate from a psychiatric specialist proving that he is of sound mind.

Chapter V of this Act lays down penalties for any infraction of the legal provisions regulating activities relating to weapons: a term of up to 10 years' imprisonment and a fine of up to 3,000 dinars, in addition to seizure of the weapons and authorization of their confiscation.

• **Explosives**

Act No. 63 of 1996 (15 July 1996) regulates this sector and lays down the conditions for the manufacture of explosives intended for civilian purposes and their exportation, importation, transport, storage, use and trading. It makes the manufacture, importation, exportation, transportation, storage, use and trading of explosives the prerogative of the State through the public bodies, organizations and establishments competent in the explosives sector and coming under the Ministry of the Interior or under its supervision. The State may authorize legal or natural persons to carry out all or part of these operations in accordance with the conditions, procedures and arrangements provided for in the above-mentioned Act.

The production, transport and use of explosives in Tunisia are the exclusive domain in our country of a single company, which operates under the supervision of the Ministry of the Interior by virtue of prior authorization. This company supplies the users of explosives for civilian purposes (drilling for oil or water, scientific research such as seismic studies, etc.), who, in turn, obtain prior authorization to carry out such activities, using means of transportation belonging to them that meet the legal safety conditions laid down by the Decision of the Minister of the Interior dated 16 October 2000 concerning regulation of the loading, transportation and unloading of explosives intended for civilian purposes, the specifications for the

means of transport used and the safety rules and requirements applicable from point of supply to point of use.

The competent offices of the Ministry of the Interior monitor and follow up all of these operations in accordance with the requirements of public security, safety and environmental protection.

In view of the sensitivity of this sector, its direct bearing on public security and the definite need to regulate it further and to prevent the use of these materials for purposes other than those intended, the legislature has laid down provisions penalizing any person who contravenes the provisions of this Act or its implementing regulations concerning the manufacture, assembly, transport, storage, trading, use or possession of explosives or the arranging of explosives deals, particularly title IV of the Act, which imposes a penalty of up to 15 years imprisonment and a fine of 15,000 dinars.

Subparagraph 2 (c) of resolution 1373 (2001):

Please provide a detailed outline of the provisions of sections 305 and 313 of the Criminal Code that deal with prohibition of asylum to the perpetrators of terrorist acts.

Section 313 of the Code of Criminal Procedure lays down that crimes categorized as terrorism shall not be deemed political and that political asylum shall not be granted in such cases, extradition thus being mandatory.

This section provides:

"Extradition shall also not be granted:

"1. If the serious or less serious offence is of a political character or if it is clear from the circumstances that the request for extradition is politically motivated. An attempt on the life of a head of State, a member of his family or a member of the Government shall not be deemed a political crime;

"The crimes referred to in section 52 bis of the Criminal Code shall not be deemed political, and political asylum shall not be granted in such cases.

"2. If the crime in respect of which extradition is requested consists of dereliction of a military duty."

Note. Section 305 of the Code of Criminal Procedure does not relate to asylum but to the competence of the Tunisian courts to consider serious and less serious offences committed abroad. The text is given in the answer to the question concerning subparagraph 3 (e).

Subparagraph 2 (d) of resolution 1373 (2001):

Please outline the provisions of the Criminal Code that prohibit the use of the territory of Tunisia in connection with the commission of terrorist acts outside Tunisia.

2. What legal provisions criminalize acts of terrorism in another country?

1. With regard to the provisions of the Criminal Code that prohibit the use of the territory of Tunisia in connection with the commission of terrorist acts outside Tunisia, please refer to the reply concerning subparagraph 2 (e) and section 61 of the

Criminal Code, mentioned above, concerning external attacks on the security of the State and section 131 of the Criminal Code, concerning criminal complicity.

Section 61 bis provides:

"The following shall be regarded as committing a crime against the external security of the State and shall be liable to the penalties laid down for them in section 62 hereof:

"1. Any Tunisian or alien who by any means attempts to impair the territorial integrity of Tunisia;

"2. Any Tunisian or alien who enters into relations with agents of a foreign State for the purpose of or resulting in the causing of damage to Tunisia militarily or diplomatically."

2. With regard to the provisions criminalizing acts of terrorism committed in another country, please refer to section 61 of the Criminal Code. Section 62 bis provides that "the penalties laid down in this chapter shall be imposed if the act is committed against a State with which Tunisia is linked by a treaty of alliance or other equivalent international instrument".

Subparagraph 2 (e) of resolution 1373 (2001):

What is the competence of the courts of Tunisia to deal with a criminal act committed outside Tunisia by a foreign national who is currently in Tunisia?

Section 305 of the Code of Criminal procedure provides:

"Any Tunisian citizen who commits outside the territory of the Republic a serious or less offence that is punishable under Tunisian law may be prosecuted and brought to trial by the Tunisian courts, save where the law of the country in which the offence was committed does not penalize it or where the person charged can prove that a final judgement was handed down in the case abroad and that, if he was sentenced, that he has already served the sentence or that the statute of limitations applies a pardon has been granted.

"The provisions of the preceding paragraph shall apply to offenders who do not acquire Tunisian citizenship until after the date of the commission of the acts ascribed to them.

"Any Tunisian who commits any one of the crimes mentioned in section 52 bis of the Criminal Code abroad may be prosecuted and brought to trial even if the aforementioned crimes are not penalized by the legislation of the State in which they were committed."

Section 307 provides:

"Any alien who outside the territory of the Republic, whether as a principal offender or an accomplice, commits a serious or less serious offence that is prejudicial to State security, forges the State seal or counterfeits the national currency may be prosecuted and brought to trial in accordance with the provisions of Tunisian law if he is apprehended in Tunisia or the Government obtains his extradition."

Section 307 bis provides:

"Any person who commits a serious or less serious offence outside Tunisian territory, whether as a principal or an accomplice, may be prosecuted and brought to trial by the Tunisian courts if the injured party holds Tunisian nationality. No prosecution may be instituted except at the request of the Office of the Public Prosecutor on the basis of a complaint by the injured party or is asked. No prosecution may take place if the person charged can prove that a final ruling was handed down against him and that, if he was sentenced, he has served the sentence handed down against him, the statute of limitations applies or a pardon has been granted."

Subparagraph 2 (f) of resolution 1373 (2001):

Please provide a list of the countries with which Tunisia has concluded bilateral treaties in criminal matters.

Bilateral agreements on judicial cooperation in criminal matters concluded between Tunisia and foreign countries

Contracting State	*Subject of agreement*	*Date and place of signature*
Libyan Arab Jamahiriya	Agreement on notifications, letters rogatory, enforcement of judgements and extradition of offenders	Tripoli, 14 June 1961
Algeria	Agreement on mutual assistance and judicial cooperation	Algiers, 26 July 1963
Lebanon	Agreement on judicial cooperation, enforcement of judgements and extradition of offenders	Beirut, 28 March 1964
Morocco	Agreement on judicial cooperation, enforcement of judgements and extradition of offenders	Tunis, 9 December 1964
Jordan	Agreement on judicial cooperation, enforcement of judgements and extradition of offenders	Amman, 6 March 1965
Jordan	Addenda 1 and 2 to the Agreement on judicial cooperation, concerning commercial arbitration and extradition of offenders	Amman, 18 December 1996
Mauritania	Agreement on judicial cooperation	Nouakchott, 17 November 1965
United Arab Emirates	Agreement on judicial cooperation in civil and criminal matters	Tunis, 7 February 1975
Egypt	Agreement on legal and judicial cooperation in civil and commercial matters, matters of personal status and criminal matters	Tunis, 9 January 1976

Contracting State	*Subject of agreement*	*Date and place of signature*
Kuwait	Agreement on legal and judicial cooperation in civil and criminal matters and matters of personal status	Tunis, 13 June 1977
Kuwait	Addendum 1 amending the Agreement on legal and judicial cooperation in civil and criminal matters and matters of personal status	Kuwait, 9 April 1995
Syrian Arab Republic	Agreement on judicial cooperation, notifications, letters rogatory and enforcement of judgements	Tunis, 26 November 1980
Qatar	Agreement on legal and judicial cooperation in civil and criminal matters	Tunis, 6 January 1997
Yemen	Agreement on judicial cooperation in civil, commercial and criminal matters and matters of personal status	Sana`a, 8 March 1998
Germany	Agreement on extradition of offenders and judicial cooperation in criminal matters	Bonn, 19 July 1966
Italy	Agreement on judicial cooperation on civil, commercial and criminal matters, recognition and enforcement of judgements and arbitral awards and extradition of offenders	Rome, 15 November 1967
Romania	Agreement on judicial cooperation in civil and criminal maters	Tunis, 6 March 1971
France	Agreement on judicial cooperation in criminal matters and extradition of offenders	Tunis, 28 June 1972
Bulgaria	Agreement on judicial cooperation in civil and criminal matters	Tunis, 16 October 1975
Czechoslovakia	Agreement on judicial cooperation in civil and criminal matters, recognition and enforcement of judicial sentences and extradition of offenders	Tunis, 12 April 1979

Contracting State	*Subject of agreement*	*Date and place of signature*
Turkey	Agreement on judicial cooperation in criminal matters and extradition of offenders	Ankara, 7 May 1982
Hungary	Agreement on judicial cooperation in civil and criminal matters, recognition and enforcement of legal judgements and extradition of offenders	Budapest, 6 December 1982
Poland	Agreement on judicial cooperation in civil and criminal matters	Varsovia, 22 March 1985
Belgium	Agreement on judicial cooperation in criminal matters and extradition of offenders	Tunis, 27 April 1989
Greece	Agreement on judicial cooperation in criminal matters	Athens, 6 July 1994
Portugal	Agreement on judicial cooperation in criminal matters	Tunis, 11 May 1998
Portugal	Agreement on judicial cooperation in the extradition of offenders	Tunis, 11 May 1998
Spain	Agreement on judicial cooperation in criminal matters	Tunis, 24 September 2001
Senegal	Agreement on judicial cooperation, enforcement of judgements and extradition of offenders	Dakar, 13 April 1964
Mali	Agreement on judicial cooperation	Bamako, 29 November 1965
Côte d'Ivoire	Agreement on judicial cooperation	Tunis, 8 July 1975
China	Agreement on judicial cooperation in criminal matters	Beijing, 13 November 1999
India	Agreement on judicial cooperation in the extradition of offenders	Tunis, 4 April 2000

Subparagraph 2 (g):

1. Please explain the measures taken to prevent the movement of terrorists and terrorist groups across national boundaries.

2. Please explain the procedures for preventing the forging of identity papers and travel documents.

Within the framework of the security system used to protect transit points, airports, seaports and border points, the competent Tunisian services use an

advanced computer to store data and to detect persons involved in acts of terrorism, apprehend them and turn them over to the competent judicial authorities. The competent unit monitor the land and sea borders in order to prevent infiltration by terrorist elements.

1. Measures taken to prevent the movement of terrorists and terrorist groups across national boundaries

In the aftermath of the events of 11 September 2001, a number of measures have been adopted, including in particular the following:

With regard to Tunisian elements whose membership in terrorist organizations, including al-Qa`idah, is proven, a border measure was adopted in respect of 77 Tunisian elements requiring that they be apprehended and turned over to the authorities and special, urgent inspection warrants were issued through letters rogatory and arraignment papers.

With regard to the 212 elements included in the list adopted by the United Nations Sanctions Committee on Afghanistan, dated 14 March 2002, a border measure was adopted requiring that all the above-mentioned elements be prevented from entering into or travelling through Tunisian territories.

Border measures have been promulgated requiring that aliens suspected of belonging to any terrorist organization, including al-Qa`idah be prevented from entering our country. This is being achieved through cooperation with the offices of Interpol throughout the world and also the liaison offices of the General Secretariat of the Council of Arab Ministers of the Interior.

2. Preventive measures against the forging of travel documents and identity papers

Our country has also taken a whole set of measures (technical, legislative, international cooperation) to combat the phenomenon of the forgery of travel documents and to deter would-be perpetrators of this type of offence. We may mention the following.

• At the legislative level

At the general legislative level, sections 193, 194 and 195 of the Criminal Code deal with the crime of forgery of travel documents and the penalties laid down for those committing them. At the level of special legislation, Act No. 40 of 1975 (14 May 1975), in particular section 16 thereof, deals with crimes relating to passports and travel documents.

• At the technical level

The competent security organs have strengthened the security specifications for Tunisian passports by laying down a model for them that is computer-readable in order to guarantee the greatest possible amount of top security information. Border security units are currently being provided with advanced equipment so as to put this into practice in the near future.

Border security units are being strengthened by additional human resources, after such officials have been given basic training in their area of competence. They also receive throughout their working life ongoing training and briefing in the latest legislative and technical developments, in order to enrich their store of knowledge

and ensure greater efficiency and professionalism in their performances of administrative and field work.

With regard to measures to prevent the forgery of identity papers, our country has hastened to adopt the necessary technical measures to enhance the security of such papers, which may be used for criminal ends, and has marshalled considerable human and material resources for this purpose. This effort has culminated in the issuance of the current identity card, which has a high degree of invulnerability, which makes it extremely difficult to forge or counterfeit.

- **At the international cooperation level**

Our country has unceasingly striven to strengthen relations of cooperation with security elements, especially insofar as concerns the mutual exchange of information, as well as information concerning lost passports, particularly unused ones, with details of the serial numbers. In this context, the border services exchange models of passports with their counterparts in the various countries in order that they may be circulated to all border posts (land, sea and air), so that security personnel working in this field may be acquainted with the official specifications of those passports and be able to detect any forgery immediately.

Paragraph 3 of resolution 1373 (2001)

Subparagraph 3 (c) of resolution 1373 (2001):

Is there any provision in the bilateral treaties concluded by Tunisia for the possible extradition of perpetrators of the crimes covered by international treaties relating to counter-terrorism?

The international treaties ratified by law are implemented without there being any need for reference to them in bilateral agreements. As long as the crimes categorized as terrorism in Tunisian law and in international agreements are not exempted from extradition, bilateral agreements included by Tunisia on extradition of offender apply to such crimes.

Subparagraph 3 (d) of resolution 1373 (2001):

1. Please report on the progress made by Tunisia in becoming a party to the international instruments on counter-terrorism to which it is not yet a party.

2. Please report on the progress made by Tunisia in enacting legislation, and making other arrangements, to implement the international instruments on counter-terrorism to which it is a party.

Progress made by Tunisia in becoming a party to international instruments on counter-terrorism

Tunisia is a party to 11 international agreements on counter-terrorism and is also a party to all the relevant regional agreements that concern it. It is currently in the process of completing the necessary procedures for ratification of the International Convention for the Suppression of the Financing of Terrorism, having already signed it. The following is a list of the measures taken by Tunisia to become a party to the international and regional instruments on counter-terrorism:

List of measures taken by Tunisia to become a party to international and regional instruments on counter-terrorism

• International instruments

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 24 December 1973). Signed on 15 May 1974 and ratified on 4 November 1976.
- International Convention against the Taking of Hostages (New York, 18 December 1979). Accession on 3 March 1997.
- Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 14 September 1963). Accession on 24 October 1974.
- Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 16 December 1970). Accession on 1 September 1981.
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971). Accession on 1 September 1981.
- Convention on the Physical Protection of Nuclear Material (Vienna, 3 March 1980). Instruments of ratification deposited on 18 June 1993.
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 24 February 1988). Accession on 17 January 1994.
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 10 March 1988). Accession on 15 December 1997.
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 10 March 1998). Accession on 15 December 1997.
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1 March 1991). Accession on 1 August 1994.
- International Convention for the Suppression of Terrorist Bombings (New York, 15 December 1997). Accession on 14 February 2002.
- International Convention for the Suppression of the Financing of Terrorism (New York, 9 December 1999). Signed by Tunisia on 2 November 2001.

• Regional instruments

- Arab Convention on the Suppression of Terrorism (Cairo, 22 April 2002). Ratified by Tunisia on 15 February 1999.
- Organization of African Unity Convention on the Prevention and Combating of Terrorism (Algiers, 14 July 1999). Ratified by Tunisia on 1 August 2001.
- Convention of the Organization of the Islamic Conference on Combating International Terrorism. Ratified by Tunisia on 1 April 2002.

Paragraph 4 of resolution 1373 (2001):

Has Tunisia addressed the relationship between terrorism and transnational organized crime?

Tunisia believes that there is a firm connection between transnational organized crime and terrorist crime and that this calls for uniting efforts to counter them equally. In addition to the fact that terrorist crimes have the characteristics of non-national crimes, it is now certain that this last mentioned type of crime is usually committed for the purpose of facilitating the commission of terrorist crimes, particularly as they provide the necessary funds through networks involved in illegal drug trafficking, arms smuggling, the trafficking of women, money-laundering and other forms of organized crime.

Accordingly, Tunisia was one of the first countries to sign the United Nations Convention against Transnational Organized Crime, which was recently ratified by Act No. 63 of 2002 (23 July 2002).

In addition to the above-mentioned numerous and varied measures taken for the prevention and combating of terrorism, Tunisia reaffirms once again the need to further strengthen international cooperation in this area through compliance with requests for the extradition of terrorists and the promotion of judicial and security cooperation with respect to them.

It should be mentioned in this regard that since the 1990s Tunisia has approached a number of States, European ones in particular, with requests for the extradition of Tunisian individuals involved in terrorist cases. These requests went unanswered, and it has become clear, especially since the events of 11 September 2001, that a number of those whose extradition was sought have been involved in acts of the same nature and that others have been connected with the al-Qa'idah organization and the Taliban group.